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CLOSED, LEAD

**U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK [LIVE] (Buffalo)
CIVIL DOCKET FOR CASE #: 1:95-cv-00774-RJA-LGF**

Zolnowski, et al v. County of Erie, et al
Assigned to: Hon. Richard J. Arcara
Referred to: Hon. Leslie G. Foschio
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/08/1995
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Plaintiff

Bernard J. Zolnowski, Jr.
*individually, and on behalf of all others
similarly situated at the Erie County
Holding Center*
TERMINATED: 12/04/1997

represented by **Bernard J. Zolnowski, Jr.**
Bernard J. Zolnowski, Jr.
861 Seneca Creek Road
West Seneca, NY 14224
PRO SE

Glenn Edward Murray
484 Delaware Avenue
Cornell Mansion
Buffalo, NY 14202
716-884-0139
Fax: 716-884-0927
Email: gem@buffnet.net
TERMINATED: 12/04/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John A. Ziegler
Sliwa & Lane
700 Cathedral Park Tower
37 Franklin Street
Buffalo, NY 14202
716-853-2050
TERMINATED: 12/04/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nan Lipsitz Haynes
Lipsitz & Ponterio, LLC
135 Delaware
Suite 210
Buffalo, NY 14202-2410
716-849-0701

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		04/22/1997)
04/24/1997		Report back status conference held; parties to further advised the court on status of case on 04/30/97 - LGF (DMS) (Entered: 05/01/1997)
06/05/1997		Tele-conference held; parties discussed settlement; will be forwarding agreement to the court for review. Further conference scheduled for 06/12/97 at 03:45 p.m. - LGF (DMS) (Entered: 06/11/1997)
06/05/1997		Tele-conference set at 3:45 6/12/97 (DMS) (Entered: 06/11/1997)
06/12/1997		Settlement conference held; further settlement conference scheduled for 06/19/97 at 03:30 p.m. - LGF (DMS) (Entered: 07/18/1997)
06/12/1997		Settlement conference set on 3:30 6/19/97 (DMS) (Entered: 07/18/1997)
06/19/1997		Minute entry: No appearances; parties to notify chambers accordingly - LGF (DMS) (Entered: 07/18/1997)
06/24/1997		Settlement conference held; parties working through settlement agreement; will advise court as to status - LGF (DMS) (Entered: 07/17/1997)
06/24/1997		Settlement conference held; parties working through settlement agreement; will advise court as to status - LGF (DMS) (Entered: 07/18/1997)
09/03/1997		Pre-trial conference held; parties to revise stipulation and report back to the court - LGF (DMS) (Entered: 09/05/1997)
09/08/1997	90	CERTIFIED COPY OF ORDER: Granting motion filed by defendants in Case #96-cv-587(H) to Consolidate , with Case #95-cv-774, , with #95-cv-774 being the lead case, without prejudice to renew the motion to dismiss before Judge Foschio upon consolidation (signed by USMJ Carol E. Heckman) Notice and copy of order sent to James A.W. McLeod, John A. Ziegler, Nan Lipsitz Haynes, Glenn E. Murray, Bernard J. Zolnowski Jr. *Order vacated pursuant to Order filed 03/03/98, Document #96, signed by Magistrate Judge Foschio (DMS) Modified on 03/03/1998 (Entered: 10/03/1997)
09/24/1997	87	STIPULATION and ORDER: The terms of settlement and restrictions are set forth in this order , and may be inspected at the lobby of the Erie County Holding Center (40 Delaware Avenue, Buffalo, NY) and at the lobby and the Clerk's Office at the United States Courthouse (68 Court Street, Buffalo, NY) signed by USMJ Leslie G. Foschio . Notice and copy of order sent to James A.W. McLeod, John A. Ziegler, Nan Lipsitz Haynes, Glenn E. Murray, Bernard J. Zolnowski Jr.. (DMS) (Entered: 09/24/1997)
09/25/1997		Per instructions from chambers, case shall remain open for a one year period from the date of order. (DMS) (Entered: 09/25/1997)
09/25/1997	88	AFFIRMATION of Glenn Edward Murray, counsel for plaintiff Bernard J. Zolnowski Jr., requesting fees and costs as summarized (DMS) (Entered: 09/26/1997)

09/26/1997	89	ORDER: Plaintiff's attorneys have filed on September 25, 1997, their affidavit [88-1] in support of an application for attorneys fees; defendants shall file their response not later than 10/17/97 ; any reply shall be filed not later than 10/24/97; oral argument will be at the court's discretion (signed by USMJ Leslie G. Foschio) Notice and copy of order sent to James A.W. McLeod, John A. Ziegler, Nan Lipsitz Haynes, Glenn E. Murray, Bernard J. Zolnowski Jr. (DMS) (Entered: 09/29/1997)
10/03/1997		Consolidated Lead Case (DMS) (Entered: 10/03/1997)
10/03/1997	91	STIPULATION and ORDER: The Court makes the determination of reasonableness and necessity regarding applications for Attorney Fees and Costs in the sum of \$46,015.85 , amount which is to be paid to plaintiffs' lead counsel, Glenn Edward Murray, at his office, not later than forty-five business days after entry of this order, and upon affirmation of default in such payment the Clerk of this Court shall enter judgment against defendants for any unpaid sum; signed by USMJ Leslie G. Foschio . Notice and copy of order sent to James A.W. McLeod, Thomas Campbell, John A. Ziegler, Nan Lipsitz Haynes, Glenn E. Murray, Bernard J. Zolnowski Jr.. (DMS) (Entered: 10/06/1997)
11/21/1997	92	MOTION by counsel for plaintiffs for substitution of Class Representative due to the death of plaintiff Bernard Zolnowski, Jr. , together with attached supporting affirmation (DMS) (Entered: 11/24/1997)
12/04/1997	93	ORDER granting plaintiffs counsel's [92-1] motion for substitution of Class Representative due to the death of plaintiff Bernard Zolnowski, Jr. <u>Kristen M. Leiby</u> is named as the new plaintiff's class representative. (signed by USMJ Leslie G. Foschio) Notice and copy of order sent to James A.W. McLeod, Thomas Campbell, John A. Ziegler, Nan Lipsitz Haynes, Glenn E. Murray, Bernard J. Zolnowski Jr. (JMD) (Entered: 12/08/1997)
01/06/1998	94	NOTICE of attorney appearance for County of Erie by Kristin Klein Wheaton (DMS) (Entered: 01/06/1998)
01/06/1998	95	AFFIDAVIT by County of Erie in response to the [87-1] order filed September 24, 1997 (DMS) (Entered: 01/06/1998)
01/12/1998		Copy of order mailed to Thomas Campbell at the Erie County Correctional Facility returned to the court - addressee not housed at the Correctional Facility (DMS) (Entered: 01/12/1998)
03/03/1998	96	ORDER: As the Zolnowski matter has been discontinued and the Campbell matter seeks monetary damages and equitable relief, there are no common issues of law and fact between the Campbell and the Zolnowski cases. Accordingly, the court vacates the [90-1] order to Consolidate Case No. 95-cv-774F and 96-cv-587H , and the Clerk is directed to reopen 96-cv-587H (signed by USMJ Leslie G. Foschio) Notice and copy of order sent to John A. Ziegler, Nan Lipsitz Haynes, Glenn E. Murray, James A.W. McLeod, Thomas Campbell, Kristin Klein Wheaton (DMS) (Entered: 03/03/1998)

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03/23/1998	97	AFFIDAVIT of Kristin Klein Wheaton on behalf of defendants in response to the court's [87-1] order of 09/23/97 (DMS) (Entered: 03/25/1998)
09/17/1998	98	MOTION by Thomas Campbell, and Kristen M. Leiby for Attorney Fees (DMS) (Entered: 09/22/1998)
09/18/1998	99	ORDER: Plaintiff's attorneys, by papers filed 09/17/98, moved for attorneys fees for monitoring the terms of this court's order entered 09/24/97; Response to Motion reset to 10/14/98 for [98-1] motion for Attorney Fees , Reply to Response to Motion reset to 10/23/98 ; oral argument shall be at the discretion of the court (signed by USMJ Leslie G. Foschio) Notice and copy of order sent to John A. Ziegler, Nan Lipsitz Haynes, Glenn E. Murray, James A.W. McLeod, Thomas Campbell, Kristin Klein Wheaton (DMS) (Entered: 09/22/1998)
09/29/1998	100	STIPULATION and ORDER granting [98-1] motion for Attorney Fees; defendant shall make payment to plaintiffs' lead counsel, Glenn Edward Murray, in the sum of \$6,660.00; signed by USMJ Leslie G. Foschio . Notice and copy of order sent to John A. Ziegler, Nan Lipsitz Haynes, Glenn E. Murray, James A.W. McLeod, Thomas Campbell, Kristin Klein Wheaton . (DMS) (Entered: 10/05/1998)
10/09/1998		Copy of order, Document #99, mailed to Thomas Campbell at the Erie County Correctional Facility, returned to the court as undeliverable (DMS) (Entered: 10/09/1998)
10/13/1998		Mail return as to Thomas Campbell, Erie County Correctional Facility - Attempted - Not known (former empl) (Entered: 10/23/1998)
10/23/1998		Case closed (DMS) (Entered: 10/23/1998)
11/02/1998		Copy of document #100 returned to the Clerk's Office as undeliverable by the U.S. Postal Service as to Thomas Campbell, located at the Erie County Correctional Facility (DMS) (Entered: 11/02/1998)